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August 6, 1997

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AUG - 6 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: In re Review of the Commission's Rules
regarding the main studio and
local public inspection files of
broadcast television and radio stations
47 C.F.R. §§ 73.1125, 73.3526, and 73.3527
(MM Docket No. 97-138)

Dear Mr. Caton:

Transmitted herewith on behalf of Northern New Jersey Radio,
L.P. is an original and four copies of its Comments in the above-
referenced rule making proceeding.

Should any questions arise concerning this matter, please
contact this office directly.

Sincerely,


John F. Garziglia
Patricia M. Chuh

Enclosure

cc: Victoria M. McCauley

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Review of the Commission's Rules) MM Docket No. 97-138
regarding the main studio and)
local public inspection files of)
broadcast television and radio stations)
)
47 C.F.R. §§ 73.1125, 73.3526 and 73.3527)

COMMENTS

Northern New Jersey Radio, L.P. ("Northern NJ Radio"), by its attorneys, hereby respectfully submits its comments to the proposed amendment of the Commission's local public inspection file rules advanced in the Notice of Proposed Rule Making in MM Docket No. 97-138.^{1/} The Commission's proposed amendment would allow all broadcast stations to maintain their local public inspection files at their main studios, wherever located. The Commission would also ease its rule requiring all broadcast stations to maintain their main studios within each station's principal community signal contour, by amending its main studio rule. By proposing to amend these rules, the Commission seeks to give broadcasters more flexibility in station operations while continuing to ensure that the public has reasonable access to the main studios and local public inspection files of every station. Northern NJ Radio fully supports an amendment of the Commission's

^{1/} Notice of Proposed Rule Making, MM Docket No. 97-138, released May 28, 1997 ("NPRM"). The NPRM established August 8, 1997 as the deadline for interested parties to file comments. Id. Thus, the instant comments are timely filed.

rules to allow broadcast stations to maintain their local public inspection files at their main studios, wherever located. In support whereof, the following is respectfully submitted:

Introduction

1. In carrying out the mandates of Section 307(b) of the Communications Act of 1934, the Commission established a scheme of distributing broadcast service in which every broadcast station is assigned to a community of license. The primary obligation of each broadcast station is to serve its community of license. A central component of this scheme is the public's access to every broadcast station's main studio and local public inspection file. This facilitates the monitoring of every station by the public and encourages community dialogue with local stations.

2. In 1987, the Commission amended its rules to require every station to maintain its local public inspection file within the station's community of license.^{2/} This last amendment was based on the assumption that the physical presence of a station's local public inspection file in the station's city of license would "assure meaningful public participation in [the Commission's] licensing process." Main Studio and Program Origination Report and Order, 2 FCC Rcd 3215, at 3218 (1987). Today, a station's service to its community of license no longer depends upon the location of the station's local public inspection file

^{2/} There is an exception to this requirement for those stations with main studios that were authorized by the Commission to be located outside of the community of license prior to June 16, 1987. See Sections 73.3526(d) and 73.3527(d) of the Commission's rules.

within the station's community of license. In recognition of these modern times, the Commission now proposes to amend its local public inspection file rules.

3. Currently, the Commission's rules requires every station to maintain its local public inspection file at the station's main studio location, if the main studio is situated within the station's community of license. Except for those stations with main studio locations outside of the city of license prior to July 16, 1987, if the station's main studio is located outside of the station's community of license, the station may keep its local public inspection file at any accessible place within the station's community of license (e.g., attorneys office, public registry for documents).

Argument

4. There are several reasons favoring the adoption of the Commission's proposed local public inspection file rules. A station's main studio is the most logical place to maintain that station's local public inspection file. Further, providing licensees with greater flexibility in locating their station's local public inspection files will permit stations to take advantage of the economies of scale and better serve the public.

5. **The Main Studio is the Most Logical Place to Maintain A Station's Local Public Inspection File.** Members of a community are most likely to look for their local station's local public inspection file at the station's main studio. Not only is a station's main studio the place where the station conducts its

day-to-day business, a station's main studio location is readily available to the public.^{3/} The address and telephone number of a station's main studio are generally listed in the local telephone directory and are often announced on the air in conjunction with various station promotions and public service announcements.

6. Members of the community have no reason to believe that a station's local public inspection file would be located any place other than at the station's main studio. Stations are only required to announce the location of their local public inspection file during the required pre-filing announcements at renewal time. As such, the location of a station's local public inspection file is not readily available to the public. It is therefore feasible, under the Commission's current rules, that eight years will pass before the location of a station's local public inspection file will be announced. See 47 C.F.R. §73.3580(d)(4)(i). Thus, an amendment allowing stations to maintain their local public inspection files at their main studios, wherever located, would assist in promoting consistency among stations and ensuring that the public has reasonable access to every station's local public inspection file.

7. **Economies of Scale and Reduced Regulatory Burdens Allow the Public to be Better Served.** The Commission's proposed local public inspection file rules will provide greater flexibility and reduce regulatory burdens for all licensees. Every station whose

^{3/} In some cases, members of the public may locate the main studio of a local AM station because many of the main studios are located at the stations' tower site.

main studio is outside its community of license will be able to keep its local public inspection file at its main studio and save the costs associated with maintaining and monitoring the contents of its local public inspection file at an outside site. Same-market, multiple-station owners, will be able to take advantage of the economies of scale by consolidating their operations. One main studio could serve multiple stations and the local public inspection files of these multiple stations could now be maintained at the stations' main studio location. All of these savings could be redirected by the station(s) to better serve the public. Stations , for example, could improve or provide additional community programming, upgrade its facilities to provide higher quality service, and increase support of and participation in local community events.

8. The public interest will be further served by allowing stations to maintain their local public inspection files at their respective main studios, wherever located, because every station's local public inspection file will be under the daily supervision of each station's management. This will ensure that a station's local public inspection file will be up-to-date and complete. Not only will members of the community have access to local public inspection files that are up-to-date and complete, they will have on-site access to their local station's management. This direct access will allow the public to discuss the contents of a station's local public inspection file directly with station personnel and thereby promote meaningful participa-

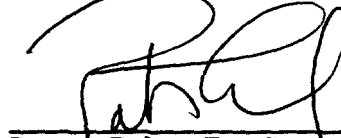
tion by the public in the operations of their local broadcast stations.

Conclusion

The main studio, wherever located, is the most logical place to maintain a station's local public inspection file. Further, allowing broadcast stations to keep their local public inspection files at their main studios will allow stations to take advantage of the economies of scale and thereby better serve the public. Therefore, the Commission should amend its local public inspection file rules to allow stations to maintain their local public inspection files at their main studios, wherever located.

Respectfully Submitted,

NORTHERN NEW JERSEY RADIO, L.P.



By: John F. Garziglia
Patricia M. Chuh
Its Attorneys

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